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10 **SUPERIOR COURT OF ARIZONA**
11 **MARICOPA COUNTY**

13 STATE OF ARIZONA ex rel. Attorney
General Thomas C. Horne,
14
15 Plaintiff,
16 vs.
17 MARICOPA COUNTY COMMUNITY
COLLEGE DISTRICT BOARD,
18 Defendant,
19 ABEL BADILLO, BIBIANA VAZQUEZ,
and BIBIANA CANALES
20
21 Intervenor-Defendants.

Case No. CV2013-009093

**JOINT STIPULATED
REQUEST REGARDING
SCHEDULING**

(Assigned to the Honorable Arthur
Anderson)

22 ABEL BADILLO, BIBIANA VAZQUEZ,
and BIBIANA CANALES
23
24 Counter-Plaintiffs,
25 vs.
26 STATE OF ARIZONA ex rel. Attorney
General Thomas C. Horne,
27
28 Counter-Defendant.

1 On February 26, 2014, Arizona filed its Motion for Judgment on the Pleadings
2 against MCCCCD. Pursuant to a series of mutually-agreed extensions, MCCCCD filed a
3 response, which it combined with a motion for summary judgment, on May 16, 2014.
4 (*See* Defendant’s Motion for Summary Judgment and Response to Arizona’s Motion for
5 Summary Judgment on the Pleadings, hereinafter “MCCCCD’s MSJ and Response.”)
6 The Intervenors also moved for summary judgment against Arizona and responded to
7 Arizona’s motion for judgment on the pleadings on May 16th. (*See* Defendant-
8 Intevenors’ Motion for Summary Judgment and Response to Arizona’s Motion for
9 Judgment on the Pleadings.)

10 MCCCCD’s MSJ and Response relied upon an expert report by Roxana Bacon.
11 (MCCCCD filed Ms. Bacon’s expert report on April 24, 2014, in advance of the Court’s
12 April 25, 2014 status conference.) At the April 25, 2014 status conference, Arizona
13 noted its objection to the use of an expert report, while MCCCCD explained the utility of
14 such a report. The court’s April 30 minute entry stated that “the Court shall review this
15 issue and determine the necessity of an expert in this matter.” The Court has not yet
16 done so.

17 The State wishes to have the Court resolve the question of “the necessity of an
18 expert in this matter” before the parties’ pending motions are fully briefed and decided
19 by the Court. MCCCCD and the Intervenors do not object. Therefore, all parties to the
20 action jointly request that the Court enter an order that provides as follows:

- 21 1. The State of Arizona’s Motion to Exclude MCCCCD’s Expert Witness will
22 be filed no later than June 20, 2014. MCCCCD will file its response no
23 later than July 21, 2014, while Arizona will reply no later than August 8,
24 2014.
- 25 2. Completion of briefing on the State of Arizona’s Motion for Judgment on
26 the Pleadings, and MCCCCD’s and the Intervenors’ Motions for Summary
27 Judgment will be stayed pending the court’s resolution of the expert issue.
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3. The parties will submit a joint stipulation regarding completion of briefing that addresses the court's ruling on the expert issue within 10 business days that ruling, or if the parties are unable to agree, will request a status conference on the same.

A proposed form of order has been submitted herewith.

Respectfully submitted this 13th day of June, 2014.

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